

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

DELOWAR HOSSAIN,

Defendant.

19 Cr. 606 (SHS)

PROTECTIVE ORDER WITH RESPECT
TO CERTAIN DISCOVERY

STEIN, D.J.:

This matter came before the Court on the Government's motion ("Government Motion"), exhibits, and the declarations of various Government officials (collectively, "Government Submission"). The Government Submission was filed *ex parte*, *in camera* and through the Court Security Officer on June 5, 2020.

The Government Submission sought a protective order, pursuant to Section 4 of the Classified Information Procedures Act ("CIPA") and Rule 16(d)(1) of the Federal Rules of Criminal Procedure, regarding disclosure of certain information. After *ex parte*, *in camera* consideration of the Government Submission, the Court finds:

1. That the Government Submission contains and describes classified information that requires protection against unauthorized disclosure. That information is described with particularity in the Government Submission.
2. Disclosure of the classified information described in the Government Submission to the defense or the public could reasonably be expected to cause serious damage to the national security.

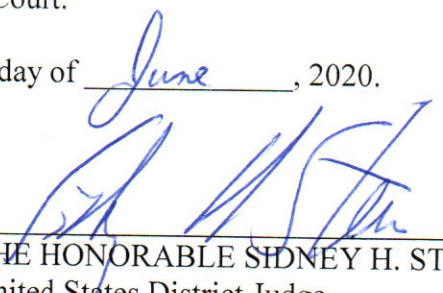
3. The head of the department which has control of the classified information described in the Government Submission, after actual personal consideration, has lodged the state secrets privilege with respect to that classified information.
4. The classified information described in the Government Submission is not discoverable under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, or Rule 16 of the Federal Rules of Criminal Procedure. In addition, the classified information described in the Government Submission is not helpful to the defense, that is, useful to counter the Government's case or to bolster a defense, as required under *United States v. Aref*, 533 F.3d 72, 80 (2d Cir. 2008).

Accordingly, it is:

ORDERED that the Government Motion is granted, and the classified information described in the Government Submission need not be disclosed to the defense; and it is further

ORDERED that the Government Submission is hereby sealed, and shall remain preserved in the custody of the Classified Information Security Officer, in accordance with established court security procedures, until further order of this Court.

SO ORDERED in ^{the Courtroom} Chambers this 19 day of June, 2020.



THE HONORABLE SIDNEY H. STEIN
United States District Judge
Southern District of New York